

## UPDATED ASSESSMENT OF R2P IMPLEMENTATION 2023



## **MALAYSIA**

Malaysia's performance on R2P implementation remains relatively robust.

Its weakest points are in the domestic legislation. As a non-party to the Rome Statute, atrocity crimes are under-legislated in the country. Discrimination remains an issue for women, the LGBTA+ community and Indigenous People. Yet, civic society has been robust, enjoying increased freedom of speech, and the education sector is strong.

Malaysia has made active use of diplomacy in encouraging States to fulfill their R2P obligations, and has used its seat on the UN Human Rights Council to peruse this further.

It retains a fair voting record in the UN of voting in favour of, or abstaining on, resolutions referencing R2P.

Malaysia contributes actively to UN Peacekeeping missions and is one of the few states in the region to train its peacekeepers on atrocity prevention and human rights. It has been responsive to the crisis in Myanmar, encouraging ASEAN to take collective action, but Malaysia has not used the opportunity to review its own refugee policies.

It remains a non-signatory to the 1951 Refugee Convention and despite allowing UNHCR to process asylum claims for Malaysia, domestic legislation treats illegal immigrants and refugees a the same.

Like many other states, Malaysia has not adopted specific policies in relation to R2P and atrocity prevention. It has still not appointed an R2P Focal Point, and remains a non-State party to the Rome Statute.

Its index score has dropped a point since 2022.

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Very Strong Unchanged	Malaysia is adequately protected from the commission of atrocity crimes.
Compilance	Reduction of atrocity crime risks.	Very Strong Unchanged	Despite concerns hereof, Malaysia is not experiencing abuses from the security sector of widespread discrimination of minorities, indicating a low chance of atrocity crimes developing.
	Dealing with past atrocities.	Strong <mark>Unchanged</mark>	No new information could be found on Malaysia reconciling past atrocities within its borders.
Policy Mechanisms	Appoint national R2P Focal Point.	Weak <mark>Unchanged</mark>	Malaysia has still not appointed a national R2P focal point, despite past indicators that it would do so. <sup>1</sup>
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Very Weak <mark>Unchanged</mark>	It is not apparent that Malaysia is doing this.
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak <mark>Unchanged</mark>	It is unchanged that there are no mechanisms in place for Malaysia to hold its government accountable in upholding R2P.
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Weak <mark>Unchanged</mark>	Malaysia counties to remain party to only four of the treaties related to R2P, (Convention on the Prevention and Punishment of the Crime of Genocide, Geneva Conventions, Convention on the Elimination of All Forms of Discrimination against Women [CEDAW], and the Convention on the Rights of the Child [CRC]) of the twelve treaties most relevant to R2P. Malaysia has signed the Arms Trade Treaty [ATT], but has yet to ratify it.  Malaysia has neither signed nor ratified the
			<ul> <li>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [CAT].</li> <li>Convention on the Elimination of All Forms of Racial Discrimination [CERD].</li> <li>International Covenant on Civil and Political Rights [ICCPR].</li> <li>International Covenant on Economic, Social and Cultural Rights [ICESCR].</li> <li>Geneva Protocol I.</li> <li>The 1951 Refugee Convention and its 1967 Protocol.</li> <li>The Rome Statute of the International Criminal Court.<sup>2</sup></li> </ul>

<sup>&</sup>lt;sup>1</sup> Global Centre for the Responsibility to Protect (GCR2P), 2022. Members of the Global Network of R2P Focal Points,

https://www.globalr2p.org/resources/members-of-the-global-network-of-r2p-focal-points/
<sup>2</sup> United Nations Human Rights Treaty Bodies (UNOHCHR), n.d. *View the ratification status by country or by treaty*, https://indicators.ohchr.org; The International Criminal Court (ICC), n.d. The States Parties to the Rome Statute, n.d, https://asp.icc-cpi.int/states-parties#M; United Nations Treaty Collection (UNTC), 2022. 9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court. Establish and maintain National Human Rights Institutions in accordance with the Paris	Very Weak Unchanged  Very Strong Unchanged	This is unchanged from last year.  Malaysia remains a non- party to the <i>Rome Statute of the International Criminal Court</i> .  Malaysia retains its 'A' rating for SUHAKAM, the country's Human Rights Commission, identifying full compliance with the Paris Principles. <sup>3</sup>
Principles.  Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Weak <mark>Unchanged</mark>	LGBTI peoples rights remain severely restricted, as cross-dressing remains a crime and the population demographic remains discriminated against. Statesponsored conversion practices continue. Malaysian women living overseas are unlike their male counterparts not able to pass on their citizenship to their children.  Indigenous Peoples protested for land rights but were forcibly relocated. 4
Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.	Strong Unchanged	Malaysia was scheduled to deliver its report for the UPR in November 2023, but this report is not yet submitted. <sup>5</sup> In July 2023, the international commission of jurists submitted its report on Malaysia for the UPR, drawing attention to the discrimination of LGBTI people and freedom of expression restrictions caused by the Communications and Multimedia act. <sup>6</sup> Malaysia has generally good reporting with human rights treaties. <sup>7</sup>
Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Fair <mark>Unchanged</mark>	Malaysia has maintained its 2019 standing invitation to UN mandate holders. Since, a special reporter has visited Malysia in the middle of 2022, but two requests for visitors on slavery as well as business and human rights remain unanswered by Malaysia and a visit to report on human rights defenders has been declined. <sup>8</sup>
Ensure equal access to justice.	Fair <mark>Unchanged</mark>	Judicial independence in Malaysia is increasing after a number of rulings from the high court in

https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\_no=IV-9&chapter=4&clang=\_en; UNTC, 2022, 2. Convention relating to the Status of Refugees, https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg\_no=V-2&chapter=5&Temp=mtdsg2&clang= en; UNTC, 2022. 8. Arms Trade Treaty,

https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=XXVI-8&chapter=26; International Committee of the Red Cross, n.d. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, https://ihl-

databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp\_viewStates=XPages\_NORMStatesParties%20&xp\_treatySelected=470

Global Alliance of National Human Rights Institutions (GANHRI), 2023 Members, https://ganhri.org/wpcontent/uploads/2023/11/StatusAccreditationChartNHRIs\_Nov23.pdf

<sup>&</sup>lt;sup>4</sup> Amnesty International, Human Rights in Malyasia 2022 <a href="https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-">https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-</a> asia-and-the-pacific/malaysia/report-malaysia/; Human Rights Watch World Report 2023 - Malayasia https://www.hrw.org/world-report/2023/country-chapters/malaysia;

<sup>&</sup>lt;sup>5</sup> UPR info Malaysia 2023 <a href="https://www.upr-info.org/en/review/malaysia">https://www.upr-info.org/en/review/malaysia</a>

<sup>&</sup>lt;sup>6</sup> International Commission of Jurists, 2023 'Malaysia – ICJ makes submission to the Universal Periodic Review' *International* Commission of Jurists, 19th July, Available at https://www.icj.org/malaysia-international-commission-of-jurists-submission-tothe-universal-periodic-review/

<sup>&</sup>lt;sup>7</sup> United Nations Human Rights Treaty Bodies, UN Treaty Body Database 2023,

https://tbinternet.ohchr.org/ layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=MYS&Lang=EN

<sup>&</sup>lt;sup>8</sup> United Nations Human Rights Office of the High Commissioner Country Visits of Special Procedures of the Human Rights Council since 1998 https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&lang=en

			2022 going against the governments wishes, notably upholding the former prime ministers prison sentence despite his party being in power speaks to this trend. However, due process is in poor standing due to potential for detention for 28 days before a charge is pressed and an unclear stacking of common law and sharia law for the Muslim population. <sup>9</sup>
	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.	Fair <mark>Unchanged</mark>	Malaysia continues to treat atrocities under its general criminal code. <sup>10</sup>
	Take measures to counter and prevent violent extremism.	Very Strong Unchanged	Malaysia continues have strong measures for countering and preventing terrorism. It works actively with civil society organizations as well as international institutions to strengthen counterterrorism efforts. <sup>11</sup>
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.	Fair <mark>Unchanged</mark>	Discrimination of women remains in Malaysia despite laws to the contrary. Martial rape and rape of men is not criminalized. Discriminatory practices towards menstruating girls, underage marriage and female genital multination are allowed.
			Ethnic Malays are positively discriminated for, and there is a lack of discrimination laws against minorities. Indigenous Peoples rights are not enforced.
			Malysia allows for the UNHCR to conduct refugee status process, but it has no pathways to asylum and penalizes violations of immigration laws with jail for up to five years. <sup>12</sup>
			The LGBTIQA+ community are habitually discriminated against, with laws punishing people for same-sex relationships by arresting and "rehabilitating" them. <sup>13</sup>
	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.	Weak <mark>Unchanged</mark>	Malaysia remains a non-signatory to the 1951 Refugee Convention and its 1967 Protocol. It allows the UNHCR on its territory to process refugee claims, but the conditions for this are poor due to Malaysian law treating illegal immigrants and refugees as the same. Refugees and illegal immigrants alike are subject to indefinite detention in dire centres without case assessment. Malaysia

<sup>9</sup> Freedom House 2023 Freedom in the World 2023 – Malaysia <a href="https://freedomhouse.org/country/malaysia/freedom-world/2023">https://freedomhouse.org/country/malaysia/freedom-world/2023</a>

Malaysia Permanent Mission to the United Nations, New York, 2022. Statement by Mrs. Nurul Ainy Yahaya Attorney Generals Chambers of Malaysia on Agenda Item 78: Crimes against Humanity para. 4, <a href="https://www.kln.gov.my/web/usa\_un-new-york/news-from-mission/-/blogs/9395942">https://www.kln.gov.my/web/usa\_un-new-york/news-from-mission/-/blogs/9395942</a>
 Malaysia Permanent Mission to the United Nations, New York, 2021. Statement by H.E. Syed Mohamad Hasrin Aidid

<sup>&</sup>lt;sup>11</sup> Malaysia Permanent Mission to the United Nations, New York, 2021. *Statement by H.E. Syed Mohamad Hasrin Aidid Permanent Representative of Malaysia to the United Nations on Agenda Item 111: Measures to Eliminate International Terrorism*, p. 3, <a href="https://www.un.org/en/ga/sixth/76/pdfs/statements/int-terrorism/03mtg-malaysia.pdf">https://www.un.org/en/ga/sixth/76/pdfs/statements/int-terrorism/03mtg-malaysia.pdf</a>.

<sup>&</sup>lt;sup>12</sup> U.S Department of State, 2022. 2022 Country Reports on Human Rights Practices: Malaysia,

<sup>.</sup>https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/malaysia/

13 HRW, 2022. *I don't want to change myself – Anti -LGBT Conversion Practices, Discrimination and violence in Malaysia*https://www.hrw.org/report/2022/08/10/i-dont-want-change-myself/anti-lgbt-conversion-practices-discrimination-and

			routinely deports refugees to their countries of origin, a violation of non-refoulment. <sup>14</sup>
Domestic Implementation	Conduct a national assessment of risk and resilience. Cultivate and protect an active, diverse and robust civil society.	Very Weak <mark>Unchanged</mark> Fair <mark>Increase</mark>	Malaysia has, similarly to previous years, not conducted a national risk assessment.  In November 2022, the former opposition politician Answar Ibrahim was made Prime Minister after having spent 10 years in jail for political reasons. His government has expressed will in loosening the laws restricting the right to free speech, although activists still find the extent of political critique permissible to be unclear. Malaysia's press freedom score has increased substantially, jumping up 40 places to nr. 73. This makes it the highest-scoring ASEAN country. Malaysia's press freedom score has increased substantially, jumping up 40 places to nr. 73. This makes it the highest-scoring ASEAN country.
	Ensure a legitimate, effective and civilian controlled security sector.	Strong <mark>Unchanged</mark>	The government retains overall control of the security forces, although there are reports of illegal and abusive treatment of people in custody by the police. In response hereto, the government has a police oversight mechanism which it is looking into increasing the mandate of. <sup>18</sup>
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.	Strong Unchanged	Malaysia's education system has compulsory and free education required for children for a minimum of six years. While primary education remains high, student levels drop off in secondary and post-secondary education, and the literacy rate is 93.7%. All state schools use Bahasa Malaysia as the primary teaching language. There are some Chinese and Tamil schools that offer education in these languages, although with Bahasa Malaysia as a compulsory subject. ac compulsory subject. Tertiary education has ethnic quotas that favour the dominant Malay ethnicity and indigenous groups, collectively called <i>bumiputra</i> , which sidelines ethnic Chinese and Indian students from entry into tertiary institutions. While state-sanctioned quotas are no longer enforced, the discriminatory practice remains. 21

<sup>&</sup>lt;sup>14</sup> HRW 2023: World Report 2023 – Malaysia, https://www.hrw.org/world-report/2023/country-chapters/malaysia; UNHCR 2022 UNHCR deplores continued deportation of Myanmar asylum-seekers from Malaysia,

https://www.unhcr.org/au/news/briefing-notes/unhcr-deplores-continued-deportation-myanmar-asylum-seekers-malaysiav; UNHCR 2023, UNHCR Submission on Malaysia 17th UPR Session https://www.refworld.org/pdfid/513d9a0e2.pdf

UNHCR 2023, *UNHCR Submission on Malaysia 17<sup>th</sup> UPR Session* https://www.refworld.org/pdfid/513d9a0e2.pdf <sup>15</sup> HRW 2023: World Report 2023 – Malaysia, https://www.hrw.org/world-report/2023/country-chapters/malaysia

<sup>&</sup>lt;sup>16</sup> 360 August 30<sup>th</sup> 2023, Obstacles and Opportunities for Freeedom of Speech in Malaysia <a href="https://360info.org/obstacles-and-opportunities-for-free-speech-in-malaysia/">https://360info.org/obstacles-and-opportunities-for-free-speech-in-malaysia/</a>

<sup>&</sup>lt;sup>17</sup> Asia News Network 2023, 'Malaysia Leaps 40 spots in Press Freedom Ranking', *Aisa News Network*, 5th May, Available at: https://asianews.network/malaysia-leaps-40-spots-in-press-freedom-ranking/

<sup>&</sup>lt;sup>18</sup> US Department of State 2022 Country Reports on Human Rights Practices – Malaysia <a href="https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/malaysia/">https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/malaysia/</a>; MalayMail 1st July 2023 Independent Police Conduct Act (IPCC) 202 Should be Amended to bring about Police Accountability – Hakan <a href="https://www.malaymail.com/news/what-you-think/2023/07/01/independent-police-conduct-commission-ipcc-act-2020-should-be-amended-to-bring-about-police-accountability-hakam/77329">https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/malaysia/</a>; MalayMail 1st July 2023 Independent Police Conduct Act (IPCC) 202 Should be Amended to bring about Police-conduct-commission-ipcc-act-2020-should-be-amended-to-bring-about-police-accountability-hakam/77329

<sup>&</sup>lt;sup>19</sup> Australian Government Department of Foreign Affairs and Trade, 2021. *DFAT Country Information Report: Malaysia*, p. 14. Available at: <a href="https://www.dfat.gov.au/sites/default/files/malaysia-dfat-country-information-report-29-june-2021.docx">https://www.dfat.gov.au/sites/default/files/malaysia-dfat-country-information-report-29-june-2021.docx</a>.

<sup>20</sup> Ibid

<sup>&</sup>lt;sup>21</sup> Scolaro pro, 2024. *Education System in Malaysia*, <a href="https://www.scholaro.com/db/Countries/Malaysia/Education-System">https://www.scholaro.com/db/Countries/Malaysia/Education-System</a>: Australian Government Department of Foreign Affairs and Trade, 2021. *DFAT Country Information Report: Malaysia*, p. 15.

	Drayout nationals committing	Fair	Refugees are denied access to education. Sexual education is limited for cultural reasons, and particularly unmarried women in rural areas are denied access to sexual education. <sup>22</sup>
	Prevent nationals committing atrocity crimes overseas.	rair <mark>Unchanged</mark>	Malaysia maintains its legislation to punish foreigners committing war crimes overseas, but no other atrocity crimes.
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Strong <mark>Unchanged</mark>	Malayasia voted in favour of the 'R2P Resolution', A/RES/75/277. <sup>23</sup> This is the first R2P resolution to pass the General Assembly since 2009 and requests an annual report be made on the state of R2P to the General Assembly. <sup>24</sup> Malaysian civil society representatives have continued to engage with regional partners, as in previous years, in atrocity prevention dialogues and seminars. <sup>25</sup>
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage	Strong <mark>Unchanged</mark>	Malaysia has abstained or voted in favour of a number of resolutions that mention and strengthen R2P in addition to Resolution 75/277.
	States to fulfil their responsibility to protect.		<ul> <li>UN General Assembly Resolutions:<sup>26</sup></li> <li>2018: Extrajudicial, summary or arbitrary executions A/RES/73/172: abstained.</li> <li>2018: Situation of human rights in the Democratic People's Republic of Korea A/RES/73/180: adopted without vote.</li> <li>2018: Situation of human rights in the Syrian Arab Republic A/RES/73/182: yes.</li> <li>2019: Situation of human rights in the Democratic People's Republic of Korea A/RES/74/166: adopted without vote.</li> <li>2019: Situation of human rights in the Syrian Arab Republic A/RES/74/169: yes.</li> <li>2020: Situation of human rights in the Democratic People's Republic of Korea A/RES/75/190: adopted without vote.</li> <li>2020: Extrajudicial, summary or arbitrary executions A/RES/75/189: abstained.</li> <li>2020: Situation of human rights in the Syrian Arab Republic A/RES/75/193: abstained.</li> <li>2021: Promoting a culture of peace and tolerance to safeguard religious sites A/RES/75/258: adopted without vote.</li> <li>2021: The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity A/RES/75/277: yes.</li> </ul>

<sup>&</sup>lt;sup>22</sup> US Department of State 2022 Country Reports on Human Rights Practices – Malaysia https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/malaysia/

<sup>&</sup>lt;sup>23</sup> UN Voting records, <a href="https://digitallibrary.un.org/record/3926467?ln=en">https://digitallibrary.un.org/record/3926467?ln=en</a>

<sup>&</sup>lt;sup>24</sup> Global Centre for Responsibility to Protect, Resolution 75/277 <a href="https://www.globalr2p.org/resources/2021-unga-r2p-resolution/">https://www.globalr2p.org/resources/2021-unga-r2p-resolution/</a>

<sup>&</sup>lt;sup>25</sup> Malaysian civil society organisations have joined the Asia Pacific Partnership for Atrocity Prevention (APPAP), of which APR2P is the secretariat, and participated in discussions of R2P. See: APR2P, 2021. *The Responsibility to Protect at 15: Challenges and Future Prospects*, <a href="https://r2pasiapacific.org/files/6470/spotlight\_apr2021\_R2P\_at\_15.pdf">https://r2pasiapacific.org/files/6470/spotlight\_apr2021\_R2P\_at\_15.pdf</a>.

<sup>&</sup>lt;sup>26</sup> GCR2P, 2023. *UN General Assembly Resolutions Referencing R2P*, <a href="https://www.globalr2p.org/resources/un-general-assembly-resolutions-referencing-r2p-2/">https://www.globalr2p.org/resources/un-general-assembly-resolutions-referencing-r2p-2/</a>. (Voting records for each resolution were accessed using the UN's Digital Library: General Assembly of the United Nations, n.d. *Voting Records*, <a href="https://www.un.org/en/ga/documents/voting.asp">https://www.un.org/en/ga/documents/voting.asp</a>.)

- 2021: Terrorism and human rights A/RES/76/169: **adopted without vote**.
- 2021: Situation of human rights in the Democratic People's Republic of Korea A/RES/76/177: adopted without vote.
- 2021: Situation of human rights in the Syrian Arab Republic A/RES/76/228:
- 2022: Extrajudicial, summary or arbitrary executions, A/RES/77/218: **abstained**
- 2022: Democratic Peoples Republic of Korea, A/RES/77/226: adopted without a vote
- 2022: Myanmar/Burma, A/RES/77/227: adopted without a vote
- 2022: Syria A/RES/77/230: abstained

Malaysia was elected to the human rights council for 2022-2024. The country has pledged to "...advocate strongly against human rights violations, such as the systemic oppression of the Palestinian people and the Rohingya in Myanmar, and work together with the international community to rebuild Afghanistan".<sup>27</sup> Malaysia was one of the states calling for an emergency meeting of the General Assembly calling for humanitarian treatment in Gaza following the escalation of conflict in October.<sup>28</sup>

Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.

Fair Unchanged

Malaysia remains one of the few countries in the region that condemns the violence in Myanmar, and has called for action through ASEAN.<sup>29</sup>

Strengthen regional and international networks for atrocity crime prevention.

Fair <mark>Unchanged</mark> These sentiments are at odds with Malaysia's domestic treatment of Rohingya refugees. Some refugees have been returned to Myanmar, a violation of non-refoulment, and many others have been left unsupported by the Malaysian government.<sup>30</sup> Malaysian civil society groups Beyond Borders

Malaysian civil society groups Beyond Borders
Malaysia and Malaysian Centre for
Constitutionalism and Human Rights remain
members of the Asia Pacific Partnership for
Atrocity Prevention.<sup>31</sup> However, no new or further
information on how networks have been utilized by
Malaysia for atrocity crime prevention have been
found.

<sup>30</sup> Heaad, Jonathan, 2022, BBC, 'Why is Malaysia deporting Myanmar asylum seekers?', *BBC*, 25th October, Available at: <a href="https://www.bbc.com/news/world-asia-63370101">https://www.bbc.com/news/world-asia-63370101</a>

<sup>&</sup>lt;sup>27</sup> Ministry of Foreign Affairs Malaysia, 2021. *Malaysia Elected to the United Nations Human Rights Council for the term* 2022 – 2024, <a href="https://www.kln.gov.my/web/guest/-/malaysia-elected-to-the-united-nations-human-rights-council-for-the-term-2022-2024">https://www.kln.gov.my/web/guest/-/malaysia-elected-to-the-united-nations-human-rights-council-for-the-term-2022-2024</a>.

<sup>&</sup>lt;sup>28</sup>Ministry of Foreign Affairs Malaysia, https://www.kln.gov.my/web/guest/-/malaysia-supported-the-resolution-protection-of-civilians-and-upholding-legal-and-humanitarian-obligations-at-the-resumed-10th-emergency-special-ses-1

<sup>&</sup>lt;sup>29</sup> Kumar, P Prem, 2022. 'Malaysia to Hun Sen: Myanmar regime still not welcome at ASEAN'. *Nikkei Asia*, 25 January. Available at: <a href="https://asia.nikkei.com/Politics/International-relations/Malaysia-to-Hun-Sen-Myanmar-regime-still-not-welcome-at-ASEAN">https://asia.nikkei.com/Politics/International-relations/Malaysia-to-Hun-Sen-Myanmar-regime-still-not-welcome-at-ASEAN</a>; Teresia, Ananda Teresia and Lamb, Kate, 4<sup>th</sup> September 2023, Reuters. *Malaysia calls on ASEAN for 'strong measures' on Myanmar*, <a href="https://www.reuters.com/world/asia-pacific/asean-diplomats-meet-review-stalled-myanmar-peace-plan-2023-09-04/">https://www.reuters.com/world/asia-pacific/asean-diplomats-meet-review-stalled-myanmar-peace-plan-2023-09-04/</a>

<sup>&</sup>lt;sup>31</sup> See: <a href="https://appap.group.uq.edu.au/">https://appap.group.uq.edu.au/</a>.

	Strengthen the role and capacity of regional organisations.	Fair <mark>Unchanged</mark>	Malaysia continues to call upon ASEAN to act against Myanmar. <sup>32</sup> Malaysia does not otherwise seem to be strengthening regional organizations, similarly to previous years.
	Support the development and work of regional human rights and other preventive capacities.	Weak <mark>Unchanged</mark>	No evidence could be found that Malaysia is strengthening the work of regional human rights bodies, despite its seat on the UN Human Rights Council.
	Support atrocity prevention through development and assistance partnerships.	Weak <mark>Unchanged</mark>	Malaysia maintains the Malaysian Technical Cooperation Programme in areas such as agriculture, finance and trade, education, and diplomacy to share the lessons learned through its own development with other countries in the global South. <sup>33</sup> There is no evidence in this Programme or in other development partnerships <sup>34</sup> of supporting atrocity prevention.
United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.	Very Weak <mark>Unchanged</mark>	Similarly to past years, no evidence could be found that Malaysia is working towards capacity building and early warning mechanisms.
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system.	Fair <mark>Unchanged</mark>	Malaysia's statements generally support R2P. Its time on the Human Rights Council has been focused on the rights of people in the Palestinian territories.
	Support preventive actions on atrocity crimes.	Fair <mark>Unchanged</mark>	Malaysia's position of supporting particularly Pillars I and II of R2P whilst maintaining respect for state sovereignty is largely unchanged.
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Strong <mark>Unchanged</mark>	Malaysia maintains a substantial deployment of peacekeepers, and it is considered a strident supporter of peace and security through its multiple deployments. It has 858 personnel deployed as of October 2023. <sup>35</sup>
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Strong <mark>Unchanged</mark>	The Malaysian Peacekeeping Centre (MPC) offers training courses on officer responsibilities and protection of civilians. These are produced in partnership with UN Women, Canada and the US. <sup>36</sup>
	Support the Kigali Principles.	Very Weak <mark>Unchanged</mark>	Malaysia has not yet signed the Kigali Principles despite rhetorical support for peacebuilding missions.
	Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Strong <mark>Unchanged</mark>	Malaysia is a firm supporter of the French/Mexican initiative on veto restraint, <sup>37</sup> and the Code of Conduct for the UN Security Council in the event

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<sup>&</sup>lt;sup>32</sup> Idrus, Pizaro Gozali, 2020. 'Malaysia urges ASEAN to resolve Rohingya crisis'. *Anadolu Agency*, 26 June. Available at: <a href="https://www.aa.com.tr/en/asia-pacific/malaysia-urges-asean-to-resolve-rohingya-crisis/1891174">https://www.aa.com.tr/en/asia-pacific/malaysia-urges-asean-to-resolve-rohingya-crisis/1891174</a>; Al-Jazeera 2023 'Malaysian calls for 'strong measures' on Myanmar as AESAN meets', *Al-Jazeera*, 5th September. Available at: <a href="https://www.aljazeera.com/news/2023/9/5/malaysia-calls-for-strong-measures-on-myanmar-as-asean-meets">https://www.aljazeera.com/news/2023/9/5/malaysia-calls-for-strong-measures-on-myanmar-as-asean-meets</a>

<sup>&</sup>lt;sup>33</sup> Malaysia Ministry for Foreign Affairs, 2024. *Malaysian Technical Cooperation Programme (MTCP)*, <a href="https://mtcp.kln.gov.my/">https://mtcp.kln.gov.my/</a>, <a href="https://mtcp.kln.gov.my/">Australian Government Department of Foreign Affairs, 2021. *Joint Statement on a Comprehensive Strategic Partnership between Australia and Malaysia*, <a href="https://www.dfat.gov.au/geo/malaysia/joint-statement-comprehensive-strategic-partnership-between-australia-and-malaysia.">https://www.dfat.gov.au/geo/malaysia/joint-statement-comprehensive-strategic-partnership-between-australia-and-malaysia.</a>

<sup>35</sup> UN Peacekeeping 2021. Contribution of Uniformed Personnel to UN by Country and Personnel Type, p. 1, https://peacekeeping.un.org/sites/default/files/01-contributions to un peacekeeping operations by country and post 45 december 21.pdf.

<sup>&</sup>lt;sup>36</sup> MPC, 2022. *Other Courses*, https://www.malaysianpeacekeepingcentre.com/course/other-courses.

<sup>&</sup>lt;sup>37</sup> United Nations, 'General Assembly Holds First-Ever Debate on Historic Veto Resolution, Adopts Texts on Infrastructure, National Reviews, Council of Europe Cooperation' 26<sup>th</sup> April 2023, <a href="https://press.un.org/en/2023/ga12500.doc.htm">https://press.un.org/en/2023/ga12500.doc.htm</a>; GCR2P, 2020. List of Supporters of the Political Declaration on Suspension of Veto, <a href="https://www.globalr2p.org/resources/list-of-supporters-of-the-political-declaration-on-suspension-of-veto/">https://www.globalr2p.org/resources/list-of-supporters-of-the-political-declaration-on-suspension-of-veto/</a>.



of mass atrocities.<sup>38</sup> In the 2023 debate on the veto the Malaysia delegate Ahmed Faisal Muhamad said the veto was undemocratic and unsupportive of the UN's core principles.<sup>39</sup>

<sup>&</sup>lt;sup>38</sup> GCR2P, 2019. List of Supporters of the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, as elaborated by ACT, <a href="https://www.globalr2p.org/resources/list-of-signatories-to-the-act-code-of-conduct/">https://www.globalr2p.org/resources/list-of-signatories-to-the-act-code-of-conduct/</a>.

conduct/.
 39 United Nations Meeting Coverage and Press Releases, 26th Apil 2023 General Assembly Holds First-Ever Debate on Historic Veto Resolution, Adopts Texts on Infrastructure, National Reviews, Council of Europe Cooperation <a href="https://press.un.org/en/2023/ga12500.doc.htm">https://press.un.org/en/2023/ga12500.doc.htm</a>